

HELEN COLLINS : CIVIL ACTION
:
V. :
:
CITY OF PHILADELPHIA : NO. 06-4084

The Court will grant the motion to dismiss as to the plaintiff's claims of age discrimination, but will deny the

motion to dismiss as to the race and sex discrimination claims and as to the request for a more definite statement.

A motion to dismiss may be granted only where it is certain that plaintiff can prove no set of facts in support of his claim which would entitle him to relief. Conley v. Gibson, 355 U.S. 41, 45-46 (1957). All allegations in the complaint must be accepted as true and construed in the light most favorable to the plaintiff. H.J. Inc. v. Nw. Bell Tel. Co., 492 U.S. 229, 249 (1989).

Although a plaintiff must establish a prima facie case of employment discrimination to survive a summary judgment motion, she is not required to plead all the elements of a prima facie case in her complaint. Swierkiewicz v. Sorema, N.A., 534 U.S. 506, 510-11 (2002). Instead, an employment discrimination plaintiff must provide only the "short and plain statement of the claim showing that the pleader is entitled to relief" required by Fed. R. Civ. P. 8(a). Such a statement need only "give the defendant fair notice of what the plaintiff's claim is and the grounds upon which it rests." Conley, 355 U.S. at 47.

Here, Ms. Collin's amended complaint, while not detailed, is sufficient to put the defendant on notice as to the nature of her claims for race and sex discrimination. Ms. Collins, who is a black woman over 40 years old, alleges that she has been employed by the City for the past 20 years as a

corrections officer with the Department of Prisons. She alleges that she injured her left foot and ankle in a workplace accident in 2003, for which she received workers' compensation. Ms. Collins further alleges that, through the negligence and/or intentional acts of the defendant's medical staff, the injury was misdiagnosed and mistreated, resulting in her being prematurely cleared to return to work with unrestricted duty. Am. Compl. ¶¶ 3, 7-8.

Ms. Collins claims that she requested reasonable accommodation from the City for her foot injury, specifically that she requested that she be allowed to begin her shift one hour earlier, so that she could find a parking space close to the building where she works. The City, she alleges, denied this request and requires her to work in full unrestricted duty status. She alleges that other similarly situated "female, male, and white correctional officers" have not been required to work full time or take time off. Am. Compl. ¶¶ 10, 11, 13. In Count II of her complaint setting out her Title VII claim, Ms. Collins elaborates that the City

required the Plaintiff to work in a full unrestricted duty status and/or use personal sick, leave, vacation and/or Family Medical Leave Act time when other employees, including whites and/or males suffering from a work related injury were not required to do so, but were placed in other assignments that allowed them to work within their physical restrictions caused by the work related injury and to be paid their full pay without taking or using vacation, sick, leave or Family Medical Leave Act[] time away from them.

Am. Compl. ¶ 27.

These pleadings comply with the requirement of Rule 8(a) and give the defendant adequate notice of Ms. Collins claims of race and sex discrimination. Read generously, Ms. Collins' complaint alleges that she was entitled to have the City make reasonable accommodation for her injury, but that the City denied her this reasonable accommodation under circumstances that support an inference of race and sex discrimination, that is, that white and male employees with similar job-related injuries were given reasonable accommodations that the plaintiff was denied. These allegations suffice to put the defendant on notice as to the nature of Ms. Collins claim, and the defendant's motion to dismiss these claims is therefore denied.

The defendant's motion for a more definite statement as to Ms. Collins claims of race and sex discrimination is also denied. A motion for a more definite statement may be granted only when the pleading is "so vague or ambiguous that the opposing party cannot reasonably be required to frame a responsive pleading." Fed. R. Civ. P. 12(e). The Court believes Ms. Collins allegations concerning her race and sex discrimination claims are detailed enough to enable the defendant to craft a meaningful response.

The Court, however, will grant the defendant's motion to dismiss Ms. Collins' claims of age discrimination. Ms.

Collins alleges that she is over 40 and therefore covered by the Age Discrimination in Employment Act, 29 U.S.C. § 633 et seq. Am. Compl. at ¶ 3. She does not, however, allege any circumstances that would allow an inference of age discrimination. Specifically, although Ms. Collins' amended complaint alleges that white and male employees were granted reasonable accommodations that she was denied, she does not allege anywhere in her complaint that younger employees were granted such accommodations. Absent any allegations that put the defendant on notice as to the factual basis for Ms. Collins' claims of age discrimination, these claims must be dismissed.

An appropriate Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

HELEN COLLINS	:	CIVIL ACTION
	:	
v.	:	
	:	
CITY OF PHILADELPHIA	:	NO. 06-4084

ORDER

AND NOW, this 13th day of December, 2006, upon consideration of the Defendant's Motion to Dismiss Part of Plaintiff's Amended Complaint, or in the alternative, Motion for a More Definite Statement (Docket No. 9), and the plaintiff's response, IT IS HEREBY ORDERED that the Motion is GRANTED as to the plaintiff's claims of age discrimination (Count III of the complaint) and these claims are DISMISSED.

The defendant's Motion is DENIED as to the plaintiff's claims of race and sex discrimination and as to the request for a more definite statement.

BY THE COURT:

/s/ Mary A. McLaughlin
MARY A. McLAUGHLIN, J.